

**Iowa Department of Natural Resources
Environmental Protection Commission**

ITEM

12

DECISION

TOPIC

PROPOSED CONTESTED CASE DECISION - DAN WITT

Dan Witt

On June 13, 2000, the department issued Administrative Order No. 2000-AFO-05 to Dan Witt for violations of department rules regarding animal feeding operations. The order required Mr. Witt to comply with certain animal feeding operation requirements and pay a penalty of \$3,000. That action was appealed. A hearing regarding the appeal of the order was held on November 27, 2007 and the administrative law judge (ALJ) issued a Proposed Decision on December 14, 2007. At the time of the hearing, the animal feeding operation that was the subject of the department's order had been depopulated and hence, the only issue left to be resolved was the penalty amount. In the Proposed Decision, the ALJ reduced the penalty to \$1,500, in large part due to the length of delay between issuance of the order and the actual hearing regarding this matter.

There has been no appeal of this Proposed Decision. The department does not recommend an appeal by this agency of the Proposed Decision because the ALJ reasonably weighed the violations committed by Mr. Witt with the length of delay in bringing this matter to hearing. In the absence of an appeal the Commission may decide on its own motion to review the Proposed Decision. If there is no review of this Proposed Decision, it automatically becomes the final decision of the agency.

Edmund J. Tormey, Chief
Legal Services Bureau

December 17, 2007